

Declaration For U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and sole inventor of plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention CUSTOM FITTED ORTHOTIC DEVICE

the specification of which is attached hereto unless the following box is checked:

☒ was filed on June 17, 1999 as United States Application Number 09/334,649 and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

(List prior foreign applications. See note A on back of this page)

(Number)

(Country)

(Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/089,707
(Application Number)06/18/98
(Filing Date)

(Application Number)

(Filing Date)

(See Note B on back of this page)

☐ See attached list for additional prior foreign or provisional applications.

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S. Applications or PCT International applications designating the U.S.)

(Application Serial No.)

(Filing Date)

(Status) (patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status) (patented, pending, abandoned)

And I hereby appoint as principal attorneys: David T. Nikaido, Reg. No. 22,663; Charles M. Marmelstein, Reg. No. 25,895; George E. Oram, Jr., Reg. No. 27,931; Robert B. Murray, Reg. No. 22,980; E. Marcie Emas, Reg. No. 32,131; Douglas H. Goldhush, Reg. No. 33,125; Monica Chin Kitts, Reg. No. 36,105; Richard J. Berman, Reg. No. 39,107; King L. Wong, Reg. No. 37,500; Karen K. Costantino, Reg. No. 35,107; James A. Poulos, III, Reg. No. 31,714; Herbert C. Rose, Reg. No. 29,846; and Patrick D. Muir, Reg. No. 37,403.

Please direct all communications to the following address: NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP
Metropolitan Square
655 Fifteenth Street, N.W., Suite 330 - G Street Lobby
Washington, D.C. 20005-5701
(202) 638-5000 Fax: (202) 638-4810

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

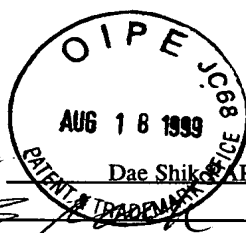
(See Note C on back of this page)

Full name of sole or first inventor Thomas J. HEINZInventor's signature X Thomas J. HeinzX 8-10-99
DateResidence 3965 Windsor Place, Flintridge, CA 91011, U.S.A.Citizenship United States of America

Post Office Address _____

NOTES

- A. Please list all non-convention foreign applications relating to the invention (and check block "no"), as well as all convention (priority) applications.
- B. If more than 3 prior foreign applications or 2 provisional applications, please check this box and attach a sheet listing the remaining prior foreign applications.
- C. For the Inventor's "Residence", only the city and state is necessary, however the "Post Office Address" must be an address acceptable by a Post Office for delivery of mail.



Full name of second joint inventor, if any Dae Shik ARK

Inventor's signature [Signature]

Date 08/16/99

Residence 1703 Peacock Lane, Fullerton, CA 92833, U.S.A.

Citizenship South Korea

Post Office Address Same as above

Full name of third joint inventor, if any _____

Inventor's signature _____

Date _____

Residence _____

Citizenship _____

Post Office Address _____

Full name of fourth joint inventor, if any _____

Inventor's signature _____

Date _____

Residence _____

Citizenship _____

Post Office Address _____

Full name of fifth joint inventor, if any _____

Inventor's signature _____

Date _____

Residence _____

Citizenship _____

Post Office Address _____

Full name of sixth joint inventor, if any _____

Inventor's signature _____

Date _____

Residence _____

Citizenship _____

Post Office Address _____

Full name of seventh joint inventor, if any _____

Inventor's signature _____

Date _____

Residence _____

Citizenship _____

Post Office Address _____

Full name of eighth joint inventor, if any _____

Inventor's signature _____

Date _____

Residence _____

Citizenship _____

Post Office Address _____

Full name of ninth joint inventor, if any _____

Inventor's signature _____

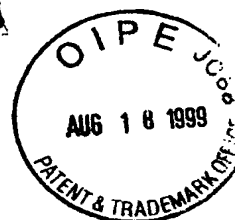
Date _____

Residence _____

Citizenship _____

Post Office Address _____

SMALL ENTITY DECLARATION



APPLICANT OR PATENTEE Bio Cybernetics International

SERIAL NO. 09/334,649 ☐ PATENT NO. _____ ATTORNEY'S DOCKET NO. P3232-9003

☒ 1. FILED OR ISSUED June 17, 1999

☐ 2. SUBMITTED HERewith _____

FOR Custom Fitted Orthotic Device
(Insert Title)

I (we) hereby declare that I (we) am (are) entitled to the benefit of small entity status with respect to the above-identified application or patent for purposes of paying reduced fees under 35 U.S.C. §541(a) and (b) to the U.S. Patent and Trademark Office.

☐ A. **INDEPENDENT INVENTOR**

I (we) qualify as (an) independent inventor(s) as defined in 37 C.F.R. §1.9(c).

☐ B. **INDIVIDUAL NON-INVENTOR**

I (we) would qualify as (an) independent inventor(s) as defined in 37 C.F.R. §1.9(c) if I (we) had made the invention.

☒ C. **SMALL BUSINESS CONCERN**

I am an official of the small business concern identified below and am empowered to act on behalf of the concern. The concern qualifies under 37 C.F.R. §1.9(d) and 13 C.F.R. §121.3-18. Rights under contract or law have been conveyed to and remain with the concern and are exclusive unless a checkmark is placed here ☐. All other rights belong to small entities as defined in 37 C.F.R. §1.9.

☐ D. **NON-PROFIT ORGANIZATION**

I am an official empowered to act on behalf of the non-profit organization identified below. The organization qualifies under 37 C.F.R. §1.9(e), subsection: ☐ (1) ☐ (2) ☐ (3) ☐ (4). Rights under contract or law have been conveyed to and remain with the organization and are exclusive unless a checkmark is placed here ☐. All other rights belong to small entities as defined in 37 C.F.R. §1.9.

I (we) acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate [37 C.F.R. §1.28(b)].

I (we) declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A. **INDEPENDENT INVENTORS(S)**

B. **INDIVIDUAL NON-INVENTOR(S)**

_____ Name	_____ Signature	_____ Date
_____ Name	_____ Signature	_____ Date
_____ Name	_____ Signature	_____ Date

C. **BUSINESS CONCERN**

D. **NON-PROFIT ORGANIZATION**

<u>Bio Cybernetics International</u> Name of Concern or Organization	<u>13885 Alton Parkway, Unit B, Irvine, California 92618</u> Address
By <u>Thomas J. HEINZ</u> Name of Person Signing	<u>[Signature]</u> Signature
<u>President & CEO</u> Title	<u>8-5-99</u> Date